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Paper No. 10

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JUN 26 2003

OFFICE OF PETITIONS

In re Application of :
 Franklin et al. :
 Application No. 09/834,389 : ON PETITION
 Filed: 13 April, 2001 :
 For: INTEGRATED AND MODULAR :
 BSP/MEA/MANIFOLD PLATES FOR FUEL :
 CELLS :

This is a decision on the petition filed on 22 February, 2002, under 37 CFR 1.182, requesting acceptance of a revocation and appointment of a power of attorney made on behalf of less than all the named inventors. The Office apologizes for the delay in responding to the present petition.

The petition is granted.

The declaration under 37 CFR 1.63 filed on 22 June, 2001, naming Jerrold E. Franklin, Eric S. Mettler, Muralidharan P. Arikara, and Lawrence R. Bawden, Jr. was signed by all joint inventors and gave power of attorney to, inter alia, Howard M. Peters (Peters et al.) of Peters, Verny, Jones & Biksa, LLP, 385 Sherman Avenue, Suite 6, Palo Alto, CA 94306, as the correspondence address of record. On 15 February, 2002, a revocation of power of attorney signed by all inventors was filed.

Petitioners Jerrold E. Franklin and Eric S. Mettler by way of registered practitioner Daniel P. Maguire, 423 E Street, Davis, CA 95616, asserts that a dispute has arisen between themselves and joint inventors Arikara and Bawden and seek to require that all correspondence filed in this application be signed by representatives of themselves and by joint inventors Arikara and Bawden, who have not filed a power of attorney.

In accordance with MPEP 402.10, to assure that all interests are properly and effectively represented, all further correspondence

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to the U.S. Patent and Trademark Office (USPTO) must be signed by petitioners' representative (Maguire) as named in the declaration and power of attorney submitted on 22 February, 2002, and likewise signed by joint inventors Arikara and Bawden, or any representative they appoint. Each attorney signing subsequent papers must indicate whom he or she represents.

In view of the revocation of the power of attorney to Peters et al., and the appointment of Maguire as the only attorney of record, all future correspondence will be sent solely to Maguire.¹ All parties are reminded that dual correspondence is not permitted and will not be undertaken by the USPTO.

It is noted that, notwithstanding this decision, the inventors may still jointly appoint or revoke a power of attorney.

The application is being forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Muralidharan P. Arikara
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¹When acceptance of such papers results in an attorney or agent and at least one applicant or owner prosecuting the application, correspondence will be mailed to the attorney or agent. MPEP 402.10.